

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) ████████████████████	GRADE AMN	AFSN/SSAN ████████████████
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL
YES	No	
	X	

MEMBER SITTING	VOICE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
					X
					X
					X
					X
					X

ISSUES A92.21 A92.37	INDEX NUMBER A67.10	EXHIBITS SUBMITTED TO THE BOARD
		1 ORDER APPOINTING THE BOARD
		2 APPLICATION FOR REVIEW OF DISCHARGE
		3 LETTER OF NOTIFICATION
		4 BRIEF OF PERSONNEL FILE
		COUNSEL'S RELEASE TO THE BOARD
		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE
		TAPE RECORDING OF PERSONAL APPEARANCE

HEARING DATE 13 May 2004	CASE NUMBER FD-2003-00332	
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APPLICANT'S STATEMENT AND BOARD'S DECISION ON THE APPLICANT'S REQUEST FOR THE BOARD DECISIONAL RATIONALE

Case heard at Washington, D.C.

Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR.

[Handwritten Signature]

TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002
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AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

CASE NUMBER

FD-2003-00332

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUES:

Issues. Applicant was discharged for minor disciplinary infractions. The records indicated the applicant received an Article 15, two Letters of Reprimand, four Letters of Counseling, one verbal counseling, had an Unfavorable Information File, and was placed on the Control Roster for his misconduct. His infractions included multiple incidents of failure to report to work, writing multiple bad checks, speeding and driving carelessly, smoking on duty in a non-smoking area, failure to pay just debts, and driving while intoxicated. At the time of the discharge, member consulted counsel and waived his right to submit statements in his own behalf. The DRB opined that through the unit's many administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members and the characterization of the discharge received by the applicant was found to be appropriate.

Applicant notes his many positive post-service activities. The DRB was pleased to see that the applicant was doing well, has a good job, is pursuing his education, and is involved in his community. However, this provides no basis of inequity or impropriety during the period of his service and does not warrant an upgrade. The Board concluded the misconduct of the applicant appropriately characterized his service.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:

Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AMN) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr Robins AFB, GA on 23 Aug 95 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 31 Jan 73. Enlmt Age: 18 10/12. Disch Age: 22 6/12. Educ: HS DIPL. AFQT: N/A. A-45, E-80, G-76, M-85. PAFSC: 3P052 - Law Enforcement Journeyman. DAS: 29 Aug 92.

b. Prior Sv: (1) AFRes 5 Dec 91 - 18 Mar 92 (3 months 14 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Mar 92 for 4 yrs. Svd: 3 Yrs 5 Mo 5 Das, all AMS.

b. Grade Status: Amn - 26 Jun 95 (Article 15, 26 Jun 95)
A1C - 01 Dec 93
Amn - 19 Sep 92

c. Time Lost: None.

d. Art 15's: (1) 26 Jun 95, Robins AFB, GA - Article 134. You, being indebted to AAFES in the sum of approximately \$1432.62 for DPP and UCDPP charges, which amount became due and payable on a monthly basis between on or about 1 Oct 94 and 15 Jun 95, did, between on or about 1 Oct 94 and 15 Jun 95, dishonorably fail to pay said debt. Reduction to Airman. (No appeal) (No mitigation)

e. Additional: LOC, 06 JUN 95 - Not having the proper equipment on post.
LOR, 17 MAR 95 - Arrested for DUI.
VBC, 01 SEP 94 - Engaging in conversation on the telephone, and smoking in the gate shack while on duty.
LOC, 01 DEC 93 - Speeding and reckless driving.
LOR, 06 AUG 93 - Financial irresponsibility.
LOC, 09 FEB 93 - Late for duty.
LOC, 14 JAN 93 - Late for duty.

f. CM: None.

g. Record of SV: 19 Mar 92 - 18 Nov 93 Robins AFB 3 (Initial)
19 Nov 93 - 18 Nov 94 Robins AFB 4 (Annual)

h. Awards & Decs: AFTR, NDSM, AFOUA, AFGCM, SWASM W/1 BSS.

i. Stmt of Sv: TMS: (3) Yrs (8) Mos (19) Das
TAMS: (3) Yrs (5) Mos (5) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 8 Jul 03.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Three Character References.
3. DD Form 214.
4. Certificate of Ordination.
5. Two Certificates of Achievement.

23MAR04/ia

FD 2003-00332



DEPARTMENT OF THE AIR FORCE

HQ WARNER ROBINS AIR LOGISTICS CENTER (AFMC)
ROBINS AIR FORCE BASE GEORGIA

MEMORANDUM FOR AIRMAN [REDACTED]

25 Jul 95

FROM: 78 SPS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct consisting of minor disciplinary infractions. The authority for this action is AFPD 36-3 and AFI 36-3208, paragraph 5.49. If my recommendation is approved, your service will be characterized as honorable or general. I am recommending that your service be characterized as general.

2. My reasons for this action are:

a. On 14 Jan 93, you failed to report for duty on time, for which you received a Letter of Counseling.

b. On 8 Feb 93, you failed to report on time to work, for which you received a Letter of Counseling, dated 9 Feb 93.

c. On 24 Jul 93, you failed to return a video movie you rented on time and incurred sixty-three dollars worth of late charges, for which you received a Letter of Reprimand, dated 6 Aug 93, and were placed on the Control Roster.

d. Between on or about 20 Jan 93, and 26 Jan 93, you wrote four checks for a total amount of \$101.60 for payment to Robins Air Force Base Exchange, which checks were returned due to insufficient funds, for which you received a Letter of Reprimand, dated 6 Aug 93, and were placed on the Control Roster.

e. On 4 May 93, and 5 May 93, you wrote two checks for payment to the Robins Air Force Base Exchange for a total amount of \$24.99, which checks were returned due to insufficient funds, for which you received a Letter of Reprimand, dated 6 Aug 93, and were placed on the Control Roster.

f. On 22 Nov 93 you were observed speeding and driving carelessly in your privately owned vehicle through gate #7, for which you received a Letter of Counseling, dated 1 Dec 93.

g. On 31 Aug 94 you were observed smoking in the gate shack, which is a non smoking facility, for which you received a verbal counseling on 1 Sep 94.

h. On 9 Mar 95, you were arrested by a Houston County Deputy Sheriff for driving under the influence of alcohol, speeding, and driving with no proof of insurance, for which you received a Letter of Reprimand dated 17 Mar 95, and an Unfavorable Information File (UIF) was established on 27 Mar 95.

i. On 5 Jun 95, you did not have your portable Duress during a post visitation, which is part of the equipment to be worn on your person at all times while you are posted. For this you received a Letter of Counseling dated 6 Jun 95, which was placed in the perviously established Unfavorable Information File.

j. Between on or about 1 Oct 94 and 15 Jun 95 you were indebted to AAFES for the sum of approximately \$1432.62 for your Deferred Payment Plan and Uniform Clothing Deferred Payment Plan accounts. For this you received nonjudicial punishment consisting of a reduction in grade to E-2, dated 26 Jun 95.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you are ineligible for reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel is available to assist you. An appointment has been made for you to consult Captain [REDACTED] the ADC, at Bldg 378, ext 6-5852 on 25 Jul 1995 at 1000 hours. If you desire, you may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 28 Jul 95, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the Area Defense Office, located at the address in paragraph 4 above.

8. Execute the attached acknowledgment and return it to me immediately.


Lt Col, USAF
Commander

5 Attachments:

1. Supporting Documents
 - a. Article 15, dtd 26 Jun 95,
w/1 page atch
 - b. Letter of Counseling, dtd 6 Jun 95
 - c. Letter of Reprimand, dtd 17 Mar 95
 - d. MFR of Verbal Counseling, dtd 1 Sep 94
 - e. Letter of Counseling, dtd 1 Dec 93
w/ atch Report of Investigation
 - f. AF Form 1058, dtd 6 Aug 93,
Placement on the Control Roster
 - g. 5 Dishonored Check Notifications,
w/3 atch Cash Receipt Vouchers
 - h. Letter of Counseling, dtd 9 Feb 93
 - i. Letter of Counseling, dtd 14 Jan 93
2. Other Derogatory Information
3. Information Favorable to Member
4. Airman's Acknowledgment of Receipt of
Notification Memorandum
5. Airman's Statement re: Counsel and Matters